United Nations A/HRC/37/51/Add.2

General Assembly

Distr.: General
12 February 2018

Original: English

Human Rights Council
Thirty-seventh session
26 February–23 March 2018
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Report of the Special Rapporteur on the situation of human rights defenders on his mission to Mexico*

Note by the Secretariat

The Secretariat has the honour to transmit to the Human Rights Council the report of the Special Rapporteur on the situation of human rights defenders, Michel Forst, on his mission to Mexico from 16 to 24 January 2017.

* The present document was submitted late to reflect the most recent developments.

GE.18-02125(E)
1802125

Please recycle

Report of the Special Rapporteur on the situation of human rights defenders on his mission to Mexico**

Contents

		Page
I.	Introduction	3
II.	Legal and institutional framework	3
III.	Situation of human rights defenders	5
	A. Widespread violence	5
	B. Criminalization of human rights work	6
	C. Intimidation, harassment and stigmatization	9
	D. Widespread and persistent impunity	10
	E. Specific groups of human rights defenders at risk	10
IV.	National Protection Mechanism for Human Rights Defenders and Journalists	14
V.	National and local human rights institutions	15
VI.	Role of non-State actors	16
VII.	Community of human rights defenders	17
VIII.	Conclusion and recommendations	18

** Circulated in the language of submission and Spanish only.

I. Introduction

1. The Special Rapporteur on the situation of human rights defenders undertook an official visit to Mexico from 16 to 24 January 2017, at the invitation of the Government. The main objective of the visit was to assess the situation of human rights defenders in the country in the light of the State's obligations and commitments under international human rights law and of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (Declaration on Human Rights Defenders).

2. The Special Rapporteur visited various locations in Mexico City and the States of Chihuahua, Guerrero, Mexico and Oaxaca. During the visit, the Special Rapporteur met with high-level officials from the ministries of foreign affairs, the interior (including the National Security Commission), national defence; navy; environment and natural resources, as well as from the Office of the Attorney General and the Office of the Federal Attorney for Environmental Protection. He also met with senior representatives of the Senate, the Chamber of Deputies, the Supreme Court of Justice, the Council of the Federal Judiciary and the National Institute for Transparency, Access to Information and Personal Data Protection. The Special Rapporteur also had discussions with the National Human Rights Commission, state-level human rights institutions, the Executive Commission for Victim Support and the National Protection Mechanism for Human Rights Defenders and Journalists.

3. The Special Rapporteur met with more than 800 human rights defenders — 60 per cent of whom were women — drawn from 24 states and from across civil society, including lawyers, journalists and representatives of non-governmental organizations and indigenous communities.

4. Prior to his official visit, on 13 January, the Special Rapporteur participated in a forum on the role of human rights defenders in Mexico, organized by the National Human Rights Commission and the Office of the United Nations High Commissioner for Human Rights in Mexico. On that occasion, he acknowledged supportive statements made by the Minister of the Interior and the Attorney General, who recognized the active and positive role played by human rights defenders in society.

5. The Special Rapporteur thanks the Government of Mexico for its invitation and its cooperation during and continued assistance after the visit. He is grateful to the federal, state and municipal authorities who met with him. He conveys his appreciation to the staff of the Office of the United Nations High Commissioner for Human Rights in Mexico for the invaluable support it provided for the visit. He is also grateful to everyone who took the time to meet with him and share their valuable experiences and insights.

II. Legal and institutional framework

6. Mexico is a federal republic, composed of 31 federal states and the Federal District of Mexico City. Legislative, executive and judicial powers are divided along federal and state lines. Mexico has ratified nine core international human rights treaties.[1] In this context, the Special Rapporteur encourages the Government of Mexico to accept the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure. He also encourages the Government to recognize the competence of the Committee on Enforced Disappearances pursuant to articles 31 and 32 of the International Convention for the Protection of All Persons from Enforced Disappearance and to consider lifting the reservations and interpretative declarations made with regard to different treaties that can affect the full realization of human rights.

[1] See http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=112&Lang=EN.

7. The Mexican Constitution protects those human rights enshrined in international treaties and recognizes social and economic rights. The Supreme Court has established that all decisions of the Inter-American Court of Human Rights are binding. National legislation, especially at the state level, still needs to be harmonized in order to bring it fully into line with international human rights norms and standards.

8. The Constitution provides for mechanisms to guarantee the respect of human rights, including writs of *amparo* (protection of constitutional rights), by which private individuals can challenge, before the federal courts or the Supreme Court, the conformity of decisions taken by the public authorities with constitutional provisions. The high number of *amparo* rulings concerning human rights defenders indicates the gravity of the climate in which they operate. The Special Rapporteur was informed of several cases where *amparo* rulings in favour of aggrieved human rights defenders had not been duly implemented, without any legal consequences and despite the sanctions for such non-compliance provided for in the Constitution. He urges the Government to address such cases of non-compliance, in order to uphold the rule of law.

9. In recent years, Mexico has made significant efforts to strengthen its legal system, with the participation of wider civil society. In 2008, the Constitution was amended as a part of a move from an inquisitorial, written criminal justice system to an adversarial oral-based one. The new system entered into force in 2016 and offers three advantages over the inquisitorial mode: greater transparency; increased efficiency; and stronger due process.[2] This change should contribute to a more flexible and fairer criminal system, reducing delays and human rights abuses. Nevertheless, challenges have arisen with regard to efforts to fully implement the new system.

10. In 2012, Congress passed a federal law to protect human rights defenders and journalists, establishing a national protection mechanism to ensure their life, integrity, freedom and safety. In 2013, the general law on victims came into force, creating the national victim support system, the executive commission for victim support and the National Registry of Victims. Progress concerning the implementation of the general law has been slow and victims have complained of obstacles to the exercise and recognition of their rights, including red tape. Delays and shortcomings have affected both the ability of victims to access legal and financial assistance and the extent to which the 32 constituent federal entities of Mexico comply with the new law.[3] Only 10 states have created their own victims' rights commissions. In 2016, the general law was amended to address some of these challenges.

11. In 2014, in the light of a series of decisions by the Inter-American Court of Human Rights and the Supreme Court, the Military Criminal Code was amended to ensure that human rights violations and crimes against civilians are investigated and prosecuted by the civil authorities. In April 2017, the new general law on the prevention, investigation and punishment of torture and other cruel, inhuman or degrading treatment or punishment established an absolute prohibition of torture and of the use, during trials, of evidence obtained through torture. In October 2017, the Congress adopted the general law on forced disappearances committed by private individuals and the national urgent search mechanism, in order to strengthen the Mexican authorities' ability to track and investigate disappearances.

12. The military judicial authorities retain jurisdiction regarding human rights violations committed by members of the armed forces. During his visit, the Special Rapporteur raised a number of concerns about amendments to article 29 of the Constitution and a bill on internal security, which would normalize the use of the armed forces in public security functions. Following the approval of the bill by the Chamber of Deputies in November 2017, the United Nations High Commissioner for Human Rights and six United Nations independent experts urged the Senate to reject it owing to human rights concerns relating to the leading role of the armed forces in the field of law enforcement, access to information,

[2] See https://justiceinmexico.org/wp-content/uploads/2016/07/160726-State-of-Judicial-Reform.pdf.

[3] See https://justiceinmexico.org/mexican-lawmakers-call-for-increased-oversight-of-victims-law/.

adequate oversight concerning intelligence gathering and the use of force during demonstrations.[4]

13. Nonetheless, the bill on internal security was approved by the Senate on 15 December 2017, reinforcing fears that it will result in the transfer of public security and policing duties to untrained soldiers commanded by unaccountable high-ranking army officers, reduce civilian oversight and weaken accountability.[5] This is regrettable, in particular in the light of reports that the success rate for the prosecution of human rights violations committed by army personnel is around 3 per cent.[6]

III. Situation of human rights defenders

14. During his visit, the Special Rapporteur focused on evaluating some of the basic elements of a safe and enabling environment for human rights defenders, namely: a conducive legal and institutional framework; access to justice; an independent and strong national human rights institution; effective protection policies and mechanisms targeting groups at risk and applying a gender-sensitive approach; non-State actors who respect and support the work of human rights defenders; and a strong and dynamic community of human rights defenders. In other words, he set out to establish whether human rights defenders were safe and empowered in Mexico.

A. Widespread violence

15. Despite some progress, the level of violence in Mexico remains alarmingly high, affecting the population at large. The country faces challenges related to drug cartels and organized crime groups. As mentioned above, the use of the army in a public security role raises a number of concerns in terms of democratic governance and its effectiveness with regard to ending violence.

16. Since 2006, Mexico has been affected by serious human rights violations, including extrajudicial killings, torture and enforced disappearances.[7] During his visit, the Special Rapporteur received many credible complaints and testimonies from human rights defenders that indicated that widespread violence and human rights abuses continued. During the first 10 months of 2017, the National Human Rights Commission recorded 285 attacks on human rights defenders, including instances of harassment, assault, robbery and cybercrime. Civil society data indicate that 730 human rights violations were committed against human rights defenders from January to May 2017.

17. Distressingly, in most of those cases, investigations were either not carried out or did not yield results. Human rights defenders suffer intimidation or obstruction when seeking justice and are at particularly high risk, especially if they have denounced abuses by the armed forces and law-enforcement agencies.

18. Besides the harrowing uncertainty of not knowing the whereabouts of their loved ones, family members of disappeared persons often face obstacles in their search for justice and truth. In the State of Guerrero, human rights defenders looking for their disappeared family members sometimes carry out searches at great risk to their own security. Human rights defenders from Chilapa, where collective disappearances appear to have occurred with the acquiescence of the authorities, are particularly vulnerable to attacks in the context of organized crime and corruption. When the Special Rapporteur visited Escuela Normal

[4] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22492&LangID=E; and www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22484&LangID=E.

[5] See www.theguardian.com/world/2017/dec/15/mexican-military-police-drugs-crackdown-human-rights.

[6] See www.theguardian.com/world/2017/nov/07/mexican-military-human-rights-abuses-war-on-drugs-report.

[7] See A/HRC/28/68/Add.3, A/HRC/26/36/Add.1, A/HRC/32/39/Add.2, CED/C/MEX/CO/1 and www.oas.org/en/iachr/reports/pdfs/mexico2016-en.pdf.

Rural Raúl Isidro Burgos, a teacher-training college in Ayotzinapa, the parents of 43 disappeared students stressed the importance of ensuring that the follow-up mechanism to the Interdisciplinary Group of Independent Experts and the non-governmental organizations that support it could continue their work unhindered.

19. Throughout his visit, the Special Rapporteur also received testimonies from human rights defenders working on cases of extrajudicial killings and excessive use of force, in particular regarding the risks facing them in the quest for accountability. In the State of Oaxaca, he met with survivors of the violence that took place during large-scale teachers' protests in June 2016.[8] Both those survivors and affiliated human rights defenders can only be considered to be protected when justice has been served, the perpetrators held accountable and the jailed protesters released. Following the visit, those groups continued their quest through activism and peaceful protests.[9]

20. Human rights defenders denouncing torture have also faced virulent and false accusations that they support criminals. Smear campaigns, including through the national media, tried to portray them as profiting from reparations. Women torture victims who became courageous human rights defenders faced sexist defamation and harassment campaigns against themselves and their families, as, for example, occurred with the human rights defenders who denounced sexual torture in the Atenco case.

21. The Special Rapporteur also met with human rights defenders who were internally displaced owing to security issues. The Government should formulate policies addressing the situation of those human rights defenders, in order to ensure that they can carry out their human rights work in safety and return to their homes.

B. Criminalization of human rights work

22. The activities of human rights defenders in Mexico have been criminalized through the deliberate misuse of criminal legislation and the manipulation of the punitive powers of the authorities by both State and non-State actors, in order to hinder and even halt efforts to exercise the legitimate right to promote and protect human rights.

23. Such criminalization usually begins with the filing of unfounded allegations or complaints against human rights defenders that relate to criminal offences and that may not be in line with the principle of legality or comply with international human rights standards. Multiple forms of human rights violations then follow, including judicial harassment, prosecution on trumped-up charges, double jeopardy, detention without a court order and inhuman conditions of detention.[10] Lengthy legal proceedings are used as a tool to intimidate human rights defenders and impede their human rights advocacy activities. Courts reportedly impose preventive measures on human rights defenders without respecting their rights and due process guarantees.

24. Criminalization is sometimes preceded by statements by public officials accusing human rights defenders of committing crimes, endangering national security or hindering economic development. Such disparaging statements by high-level officials can trigger or aggravate prolonged criminal processes against human rights defenders.

25. Arbitrary arrests and detentions have been used to silence dissident voices and curb social movements. Since August 2014, the Working Group on Arbitrary Detention has issued at least seven opinions relating to cases of human rights defenders and journalists in Mexico who were arbitrarily detained and whose judicial processes were marred by irregularities.[11] The opinions point to a pattern of violations against human rights defenders

[8] See www.theguardian.com/world/2016/jun/20/violence-mexico-teachers-protest-dead-oaxaca-union, and https://cpj.org/blog/2016/07/in-oaxaca-reporters-covering-teachers-union-protes.php.

[9] See https://mexiconewsdaily.com/news/the-may-offensive-teachers-renew-fight.

[10] Article 19 Office for Mexico and Central America and others, *Arbitary and Illegal Detentions. Criminalization: A State Policy to Hindrance the Defense of Human Rights in Mexico* (2016), p. 17.

[11] See opinions Nos. 19/2015, 18/2015, 23/2014, 55/2015, 56/2015, 23/2017 and 24/2017.

in retaliation for carrying out legitimate human rights work.[12] To date, the Government has not fully implemented all the opinions.

26. In many cases, human rights defenders are punished for reporting violations by public authorities and face retaliatory attacks or criminal proceedings against their families. Martha Esthela Solórzano from Sonora faced repeated threats from the municipal police following her complaints against the police for abuse of power, corruption and ill-treatment. In 2012, her son, Jorge Luis Zavala Solórzano, was arrested and sentenced for allegedly committing serious crimes. In February 2015, after an ordeal lasting years, Mr. Zavala Solórzano was released and acquitted by the Supreme Court of the State of Sonora on the basis of clear contradictions between the allegations made against him and testimony used as a basis for his initial conviction.

27. The criminalization of human rights work has a chilling effect, not only on human rights defenders, but also on wider society: it weakens social movements and discourages members of the public from filing complaints with the police concerning serious crimes. Human rights defenders increasingly have to spend a great deal of time and resources defending themselves, which weakens their ability to protect more vulnerable individuals in society. Moreover, criminal proceedings have a stigmatizing and delegitimizing effect, aimed at isolating defenders and hindering actions of solidarity with the national and international community.[13]

28. Such criminalization also undermines civil society's trust in the Mexican authorities, which should be working to ensure that State and non-State actors do not manipulate the public and judicial powers in order to harass human rights defenders for their legitimate activities. The resulting climate of fear affecting society at large can lead to self-censorship.

29. It appears that the criminalization of human rights work relates to the actions of both federal and state elements, including the police, the army, the navy, government authorities and the judiciary. The low level of independence of the judiciary, corruption among public officials and the exploitation of the justice system by companies and other parties, who make criminal complaints against human rights defenders, all contribute to the criminalization of human rights work.

30. International human rights law provides that both State and non-State actors who are directly or indirectly involved in such criminalization are accountable for these violations. The Special Rapporteur strongly recommends reviewing and revising laws and policies, the ambiguous nature of which has been exploited to criminalize legitimate human rights work, and bringing their content and implementation into line with international human rights norms and standards.

31. The freedom of peaceful assembly is guaranteed by the Mexican Constitution. However, increased interference and use of force by public officials at peaceful protests, in particular, demonstrations relating to sensitive issues or against large-scale projects, give cause for concern. For example, in 2006, protests in Atenco against the construction of Mexico City Airport resulted in the killings of 2 persons and the detention and criminalization of more than 200 persons, including several women, who were subjected to sexual torture. The protests against the project continued, with demonstrators facing frequent harassment. Following a December 2012 protest in Mexico City, nearly 100 arbitrary detentions and 6 cases of torture were documented. In some states, such as the State of Puebla, local legislation allows police to use firearms or deadly force to break up protests.

32. Furthermore, broad terms employed in domestic legislation, such as "disturbance of public order", are increasingly being exploited to curtail peaceful assemblies. Indigenous communities protecting their traditional lands from plans to develop mega-projects and exploit natural resources have often faced criminal charges for protesting against those plans, even where meaningful and prior consultation with them were lacking. Such

[12] See opinions No. 24/2017, No. 23/2017, No. 19/2015 and No. 23/2014.

[13] Article 19 Office for Mexico and Central America and others, *Arbitary and Illegal Detentions. Criminalization: A State Policy to Hindrance the Defense of Human Rights in Mexico* (2016), p. 19.

situations have arisen in the context of social protest, involving blockades or sit-down demonstrations.

33. Journalists covering protests also face a pattern of violence, harassment and legal action. For instance, in August 2016, journalist Manuel Morres was detained for 24 hours while reporting on demonstrations in Chiapas and two photojournalists covering a traffic incident in Oaxaca were arrested and allegedly tortured.

34. Even though the freedom of association is also constitutionally recognized, a diverse range of active non-governmental organizations sometimes face violence, including threats and killings. Independent trade unions reportedly face interference from government authorities.[14] The right to unionize came under serious threat following a series of reforms in the education, health and energy sectors that significantly reduced the power of the unions in each sector. The reforms sparked national protests, with civil servants leading major demonstrations.

35. Despite improvements to the constitutional guarantees of freedom of expression, journalists who voice critical views often face intimidation and threats. Mexico has become one of the world's most dangerous places for journalists.[15] Inter-American Commission on Human Rights and United Nations experts have referred to a crisis for freedom of expression in Mexico, involving killings and disappearances, physical and psychological attacks on the media and other forms of interference designed not only to harm individual journalists but also the public's right to know.[16] Due to the climate of insecurity and widespread impunity at the state and municipal levels, self-censorship has become rife. Many newspapers in violent areas fear reprisals if they publish stories on organized crime, drug trafficking or corruption.

36. Increased use of defamation laws by public officials has undermined press freedom. Politicians often sue media professionals for "moral damages". For example, the former Governor of the State of Coahuila sued a prominent political journalist and filed a civil defamation suit against a newspaper. A Supreme Court ruling of May 2016 regrettably removed maximum limits on financial penalties that can be levied against journalists. While defamation was decriminalized at the federal level in 2007, around a dozen states still have criminal defamation laws and use them to intimidate journalists.

37. The establishment of the office of the special prosecutor for offences committed against freedom of expression to investigate cases involving journalists was a welcome development. However, civil society criticized the office for failing to make significant progress in investigations. Between July 2010 — when the office was set up — and November 2015, it reported only 31 investigations into homicides and a further 25 into disappearances of journalists, none of which led to prosecutions. Coordination between the office and local investigative prosecutors at the federal and state levels appears to be weak and marred by inefficiency and overlap. The office's resources appear to be decreasing, while crimes against journalists are on the increase. Data show that the office's allocated budget fell by 58 per cent between 2013 and 2017.

38. Mexico enacted legislation on access to information in 2002. Access to the Internet became a human right following the amendment of article 6 of the Constitution in 2013. In 2015, the General Law on transparency and access to public information was adopted following a process involving broad civil society participation. In January 2017, Mexico enacted a new General Law on the protection of personal data. The Government informed the Special Rapporteur of how this progressive legislation sought to establish principles and procedures guaranteeing the right to access information in the possession of any public authority and to develop uniform conditions regarding transparency and information access at the federal, state and municipal levels. The new national institute for transparency, access

[14] See www.ituc-csi.org/inter-american-commission-on-human.

[15] See https://thewire.in/130813/protection-journalists-fails-latin-america/ and www.bbc.com/news/world-latin-america-39436568.

[16] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22484&LangID=E.

to information and protection of personal data was granted constitutional and specialized autonomy to carry out its functions.

39. Despite the legislative achievements to date, actually accessing public information remains challenging, particularly at the state and municipal levels. Human rights defenders fighting impunity also face challenges in accessing public information in the possession of the armed forces. Representatives of civil society also raised concerns about the incompatibility of existing legislation on access to information with that on national security, since the former stipulates that information on grave human rights violations and crimes against humanity may not be classified as "reserved", while the latter defines what constitutes "national security". The scarcity of data obstructs investigations into criminal accountability for enforced disappearances and summary executions in the context of military operations related to public security and organized crime.

40. Despite civil society's concerns about the negative impact of the new General Law on archives on the right to truth and collective memory related to serious human rights violations, the legislation was approved by the Senate in December 2017.

41. Unsupervised secret surveillance of human rights defenders is a new and worrying challenge, especially in the context of weak judicial oversight regarding the collection, storage and sharing of personal data obtained through digital surveillance. After the visit, the federal and some state authorities were accused of purchasing and deploying spyware called "Pegasus" to monitor politicians, human rights defenders, journalists and lawyers through their mobile telephones.[17] The Special Rapporteur reiterates his and other United Nations experts' call from July 2017 for an independent and impartial investigation to be carried out into the alleged illegal surveillance, which constitutes a serious violation of the rights to privacy and to the freedoms of expression and association.[18]

C. Intimidation, harassment and stigmatization

42. The majority of human rights defenders the Special Rapporteur met during the visit confirmed that they had experienced intimidation, harassment and stigmatization at the hands of State and non-State actors in retaliation for their human rights work. Defenders are intimidated or threatened through text messages, telephone calls or verbal assaults.

43. They also reported receiving threats through social media platforms or email. In the majority of cases, the messages served as "warnings" about their safety and security if they continued their human rights work. Even though the authorities rarely considered such messages as "real" threats, human rights defenders feared they might lead to physical aggression. Women human rights defenders in particular are targeted by anonymous groups, who spread false rumours through social media or incite violence against women, including "corrective rape".

44. The number of smear campaigns against human rights defenders, whether orchestrated by politicians or the media, raises serious concerns. These campaigns mainly seek to undermine the work of human rights defenders and to isolate them. Human rights defenders are portrayed as being anti-development, or as criminals, rather than as activists. Particularly worrying is the situation of organizations such as Centro Prodh, Tlachinollan and the Mexican Commission for the Defence and Promotion of Human Rights, which face accusations and harassment as a result of their work on enforced disappearances, extrajudicial killings and torture. The Special Rapporteur was deeply concerned at the acts of reprisal against one human rights defender, who received threats through social media mentioning a meeting with the Special Rapporteur. He strongly condemns acts of reprisal, as they undermine the exercise of the right of all to cooperate with international organizations.

---

[17] See www.nytimes.com/2017/07/11/opinion/spyware-mexico-missing-students.html; and www.pulse.ng/news/world/q-a-mexican-spying-scandal-id6991401.html.

[18] See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=21892&LangID=E.

45. Stigmatization also has a gender component when aimed at women human rights defenders, portraying them as prostitutes or as immoral. The relatives of human rights defenders and members of their communities may also be intimidated or harassed, in order to force those human rights defenders to choose between protecting their relatives and continuing their work.

46. Malicious software, hacking, denial-of-service attacks and other high-tech forms of intimidation are increasingly being used to target human rights defenders. For instance, the website of the Más de 131 collective suffered several denial-of-service attacks.

47. Human rights defenders from indigenous or rural communities point to the deliberate use of divide and rule tactics by the authorities and companies in order to achieve the approval of large-scale projects. The divisions caused by these projects have profound and negative effects on the strong culture of consensus and collective solidarity in affected communities. The Special Rapporteur concurs with other United Nations experts who have observed that violence and harassment related to mega-projects authorized on indigenous lands without prior consultation and consent raise major human rights violations for indigenous peoples in Mexico.[19]

D. Widespread and persistent impunity

48. Approximately 98 per cent of crimes in Mexico remain unsolved.[20] Given the high number of serious human rights violations, the negligible success rate of investigations and prosecutions of crimes against human rights defenders has engendered a sense of widespread and persistent impunity. The failure to investigate and sanction perpetrators sends a dangerous message that such crimes have zero consequences, creating an environment conducive to serial violations and undermining the general aspirations for human rights in Mexico.

49. The Inter-American Commission on Human Rights observed that Mexico was affected by "critically high levels of impunity" and that "the failure to provide access to justice has created a situation of structural impunity whose effect is to perpetuate, and in some cases foster, the repetition of gross human rights violations".[21] Following country visits, at least five United Nations special procedures highlighted the prevailing climate of impunity regarding grave crimes and human rights violations in Mexico.[22] In the last five years, five United Nations treaty bodies have urged Mexico to address persistent and widespread impunity.[23]

50. Regrettably, impunity has become both the cause and the effect of the overall insecurity of human rights defenders in Mexico. Impunity feeds the criminalization of legitimate human rights activities, which in turn fuels attacks against human rights defenders and creates fear in wider civil society. By deterring human rights defenders from filing complaints and survivors of violations from seeking their support, impunity erodes the rule of law in the country and encourages further violations.

51. The Special Rapporteur is seriously concerned at the scope, persistence and effect of impunity with regard to threats to the safety of human rights defenders and the criminalization of their activities. He urges the Government of Mexico to urgently tackle the growing trend of increasingly entrenched impunity in the country.

---

[19] See A/HRC/35/32/Add.2, paras. 82–85; see also www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22411&LangID=E.

[20] See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=16578.

[21] Inter-American Commission on Human Rights, *The Human Rights Situation in Mexico* (2015), p. 14.

[22] See A/HRC/28/68/Add.3; A/HRC/26/36/Add.1; A/HRC/32/39/Add.2; and A/HRC/35/32/Add.2; see also www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22411&LangID=E; and www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22484&LangID=E.

[23] See CMW/C/MEX/CO/3; CAT/C/MEX/CO/5-6; CEDAW/C/MEX/CO/7-8; CRC/C/MEX/CO/4-5; and CRPD/C/MEX/CO/1.

E. Specific groups of human rights defenders at risk

52. During the visit, the Special Rapporteur observed multiple risks and threats facing specific groups of defenders. The large number of women human rights defenders he met in Mexico demonstrates that women are often at the forefront of human rights battles, even if their role is not sufficiently recognized or publicized.

53. Between 2010 and 2017, more than 43 women defenders and journalists were killed in Mexico and at least 5 women activists were killed in 2017.[24] There have also been assassination attempts and assaults. Mexico has reportedly become "the most violent country for women human rights defenders in Mesoamerica", where a total of 1,360 attacks against women defenders were carried out between 2013 and 2016 (on average, one a day).[25]

54. The majority of women human rights defenders also face risks linked to their gender, including sexual violence and threats on social media or smear campaigns based on gender stereotypes.

55. In the context of widespread violence against women and femicides, some women have become vocal in the search for truth, justice and reparation, often facing enormous risks in the process. María Luisa García Andrade was the victim of countless threats and attacks in Ciudad Juárez for her work against impunity. Yndira Sandoval Sánchez faced threats and a campaign of stigmatization orchestrated by the authorities of the State of Guerrero aimed at undermining her formal complaint concerning the sexual violence she had suffered in September 2017. On 29 June 2017, labour rights activist Meztli Omixochitl Sarabia was killed in her office in Puebla, following numerous threats and assaults. On 10 May 2017, a leader of the Collective of Missing Persons in San Fernando, Tamaulipas, was shot 12 times as a result of her investigation into disappearances involving the Los Zetas drug cartel.

56. Because they challenge the patriarchy and misogyny, women human rights defenders may also face violence and discrimination within their own families and communities. Their advocacy work is often considered as being less important than or inconsistent with the social and cultural role assigned to them. The psychosocial impact of violence has profound consequences on the social fabric and can take a variety of forms, ranging from post-traumatic stress syndrome, guilt and economic hardship to social isolation.

57. The Special Rapporteur acknowledges the work of networks such as the National Network of Women Human Rights Defenders in Mexico, which are crucial in helping women break the cycle of violence and stigmatization and which offer opportunities for self-defence and capacity-building training.

58. The Special Rapporteur was struck by the high number of women human rights defenders who had experienced discrimination by State agents or difficulties when requesting protection. He urges the Mexican authorities to tackle this trend and to widely publicize General Assembly resolution 68/181 on protecting women human rights defenders.

59. As mentioned, journalists constitute one of the main groups at risk in Mexico. According to the statistics, Mexico ranks among most dangerous countries for journalists. Between 2000 and 2016, at least 120 journalists were killed in Mexico, mostly in the states of Veracruz, Oaxaca, Tamaulipas, Guerrero and Chihuahua. More than 12 journalists were murdered in the country in 2017.

60. Journalists also face violence when covering protests, threats from organized crime groups and harassment from the authorities for carrying out investigative journalism. Carmen Aristegui was dismissed by MVS Radio in March 2015, after reporting on political

[24] Inputs received from civil society in Mexico after the visit, September 2017.

[25] See http://im-defensoras.org/2017/12/statement-national-network-of-women-human-rights-defenders-in-mexico-29november-in-mexico-an-attack-every-day-against-women-defenders.

corruption. Miroslava Breach, a reporter for the *La Jornada* newspaper, was shot eight times outside her home in Chihuahua on 23 March 2017. Another prominent journalist, Javier Valdez, was shot 12 times on 15 May 2017 outside his workplace in Culiacán, while three journalists, including Gumaro Pérez Aguilando, were killed in the State of Veracruz.

61. Among the most criminalized human rights defenders are those who promote economic, social and cultural rights, particularly indigenous and environmental activists who work in the context of extractive, energy or infrastructure mega-projects.

62. The Special Rapporteur met with human rights defenders who faced reprisals because of their work on child abuse or access to health care for HIV/AIDS patients. As observed by the Special Rapporteur on the human rights to safe drinking water and sanitation, civil society and community representatives were also criminalized due to their protests in relation to access to water and contamination of water sources (see A/HRC/36/45/Add.2, para. 62).

63. The Special Rapporteur met academics from more than 10 higher education institutions, who shared their important work on human rights in Mexico. He also heard many examples of how universities contribute to access to justice through legal clinics and of how they support victims of disappearances through forensic and investigative work. Some universities faced retaliation for their human rights work, while others failed to support staff and students involved in such work as part of their academic activities. Universities have a duty to ensure an enabling environment in which anyone can promote human rights.

64. Civil society data show that the types of mega-projects that involved the most attacks against land and environmental rights defenders included hydraulic (17), mining (10), infrastructure (8), and hydroelectric projects (7). The States of Mexico, Sonora, Oaxaca, Puebla, Colima and Campeche accounted for more than two thirds of registered attacks.[26] In its report on its 2016 mission to Mexico, the Working Group on the issue of human rights and transnational corporations and other business enterprises reviewed four cases involving development projects and observed a lack of human rights due diligence in the form of adequate prior consultation with affected communities (see A/HRC/35/32/Add.2, para. 38).

65. Community leaders and land and environmental rights defenders who oppose large-scale projects face violence from individuals linked to companies participating in those projects. Such violence often goes unpunished and is tacitly or openly supported by the local authorities. Civil society organizations documented at least 109 cases of attacks against environmental rights defenders in 23 Mexican states between May 2014 and June 2015. As long as the approach to development is not broadly agreed on with affected communities, the number of social conflicts related to land and environmental protection will continue to increase.

66. The situation of indigenous human rights defenders is extremely worrying. The rise in the number of development projects and land seizures in some states has led to the escalation of conflicts, as indigenous communities refuse to give up their ancestral lands, which are often considered to be sacred and essential to these communities' existence and cultures. This situation was highlighted during a visit to the community of San Francisco Xochicuautla, which is engaged in a struggle to preserve its traditional lands in the context of highway construction.

67. The Special Rapporteur heard credible testimony from communities about violence perpetrated by armed groups, operating in collusion with local authorities and companies. Visiting the State of Chihuahua, he witnessed the risks facing human rights defenders protecting the rights of the indigenous Raramuri people, a community threatened by organized crime groups and lacking State protection. On 19 January 2017, he condemned the killing of Isidro Baldenegro López.[27] This murder, together with the killing of Juan

[26] See http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCESCR%2fCSS%2fMEX%2f28821&Lang=en (in Spanish).

[27] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21102&LangID=E.

Ontiveros 15 days later, demonstrate the precarious situation of human rights defenders in the state. In 2010, Ernesto Rábago Martínez, another defender of the Raramuri people's rights, was murdered. To date, no one has been convicted of those killings.

68. Along with linguistic and geographical obstacles that prevent them from effectively benefiting from protection measures, human rights defenders from indigenous communities face harassment, arbitrary detention, torture, enforced disappearance and summary execution. Indigenous leaders, farmers and environmentalists are pressured to cease their activities through use of the criminal justice system to prosecute them for ordinary crimes.

69. During his visit, the Special Rapporteur observed the link between social conflicts and the failure to duly consult with indigenous peoples. In many instances, consultations were mere formalities in the context of projects that had already been rolled out. While on her visit to Mexico, the Special Rapporteur on the rights of indigenous peoples reiterated concerns about how consultation had been conceived and implemented in Mexico and recalled that Mexico was obligated to consult indigenous peoples about any activity or legislative and administrative measure that could affect them, in line with the standards contained in the Indigenous and Tribal Peoples Convention, 1989 (No. 169), of the International Labour Organization, the jurisprudence of the Inter-American Court of Human Rights and the United Nations Declaration on the Rights of Indigenous Peoples.[28]

70. The search of families for their disappeared relatives constitutes one of the most difficult human rights issues in Mexico. Many families who have not obtained responses concerning the situation of their missing relatives carry out their own investigations and searches for clandestine graves. Their search for truth and justice has led them to face countless risks and threats, as they often uncover stories of collusion between public officials and organized crime groups. They also become vulnerable because they carry out investigations into and advocate against human rights violations.

71. The Special Rapporteur was moved by the testimonies of courageous mothers, fathers, siblings, sons and daughters, who had become human rights defenders out of necessity. Likewise, human rights defenders who have been searching for their disappeared family members for decades, since the "dirty war", should be acknowledged. Their activities should be recognized as a part of broader human rights work. The national brigades for the search for disappeared persons and the broader movement of families of the disappeared have helped to prevent many disappearances.

72. Whistle-blowers are particularly at risk. Even though existing legislation protects the right of journalists to inform the public of cases involving fundamental rights, there is no such protection for those who, owing to their post, may have access to information on issues such as corruption, health, security or the environment. There is no legal framework in Mexico that defines, recognizes and protects ordinary citizens or public servants who disclose information. On the contrary, whistle-blowers may be prosecuted, especially if they reveal information related to transnational or public sector companies.

73. In his 2015 report, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression encouraged States to adopt or revise and implement national laws protecting the confidentiality of sources and to adopt or revise and implement national legal frameworks protecting whistle-blowers (see A/70/361, paras. 61 and 63).

74. The Special Rapporteur on the situation of human rights defenders is also concerned about the risks faced by human rights defenders working on migrants' rights. As Mexico is a country of origin, transit, destination and return of migrants and their families, the work of human rights defenders has become increasingly important with regard to the protection of these populations. Human rights defenders providing humanitarian assistance to migrants and those activists working along the route of the "beast" train face particular risks, mainly due to the activities of organized crime, trafficking and armed groups, who target both migrants and defenders through extortion, rape, kidnapping and murder. Migrant rights advocacy carries additional challenges in terms of access to information and the

[28] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22411&LangID=E.

participation of surviving family members in investigations. Migration officials and private security companies are known for harassing and delegitimizing the work of migrant activists (see CMW/C/MEX/CO/3, para. 21).

75. Defenders of the rights of lesbian, gay, bisexual, transgender and intersex persons have also been targeted by campaigns designed to stigmatize them, heightening the climate of fear in which many of them live. Attacks against lesbian, gay, bisexual, transgender and intersex rights activists are usually related to efforts to promote recognition of their rights. Prejudices based on sexual orientation and gender identity held by police officers and prosecutors reduce the effectiveness of investigations into attacks on such activists. The assassinations of such activists are not investigated as hate crimes, neither is the lesbian, gay, bisexual, transgender or intersex rights activism of the victims usually taken into account. Moreover, the authorities often denigrate victims in an attempt to trivialize attacks. Transgender rights defenders often face increased risks due to the higher levels of sexual violence against transgender persons, sometimes resulting in their murder, as was the case with transgender activist Jennifer López in Ometepec, in the State of Guerrero. In many states, defenders of lesbian, gay, bisexual, transgender and intersex persons' rights face problems when attempting to organize, use public spaces or access resources and are ignored by local and state authorities. They may also feel isolated from the broader community of human rights defenders.

IV. National Protection Mechanism for Human Rights Defenders and Journalists

76. The Special Rapporteur acknowledges the establishment, in 2012, of the National Protection Mechanism for Human Rights Defenders and Journalists, in order to address security concerns that arose among human rights defenders due to persistent attacks against them and to ensure their safety and enabling conditions for their work. The Mechanism's governing board is composed of four government entities, including the Office of the Attorney General and the Federal Police.

77. At the time of the visit, the Mechanism had provided protection to 386 human rights defenders and 260 journalists. The Mechanism, the cooperation it fosters between authorities and civil society, its decision-making procedures and its day-to-day operations are seen as examples of good practice for other countries. The very existence of the Mechanism confirms the valuable role played by human rights defenders in society and the need for the Government to afford them protection. Consequently, the Mechanism deserves the support of all stakeholders.

78. Despite the success of the Mechanism in preventing some violations against human rights defenders, as a policy tool it has not brought about an enabling environment for human rights defenders. To date, the Mechanism has been somewhat reactive in nature. Civil society pointed out the lack of coordination between federal and state authorities to ensure optimal protection on the ground, and a lack of funding for protective measures both at the federal and state levels.

79. The Mechanism's focus has been on delivering piecemeal security measures, rather than on adopting a broader approach to protection and it has not sufficiently addressed the root causes of threats. This undermines the effectiveness of the Mechanism's protection measures and may place strain on its capacity due to the large number of cases of unsolved human rights violations. It is also important to consider the collective element of protection for human rights defenders, who are often embedded in the social fabric of their community. Risk analyses and related protection measures should reflect human rights defenders' social and communal needs, ensuring a more comprehensive approach to security in the long-term. The Mechanism should also address reports of a lack of medical and psychological care for human rights defenders.

80. As part of a more preventive approach, the Mechanism should enhance cooperation with other entities to ensure that protection measures go hand in hand with prompt and exhaustive investigations. If investigations into attacks against human rights defenders

continue to stall owing to a climate of impunity, no protection scheme will be sufficient to prevent further rights violations.

81. The promotion of the role of human rights defenders should be a central aspect of the work of the Mechanism: public campaigns and other tools should be used to increase public awareness of that role, both at the federal and state levels.

82. The Declaration on Human Rights Defenders provides for a broad approach when defining the term "human rights defender". In this vein, the Mechanism should apply a wide set of criteria when determining who qualifies for protection. Online attacks against human rights defenders should be treated as seriously as physical acts of aggression.

83. Despite the progress made regarding its risk assessment methodology, the Mechanism would benefit from a more differential approach to human rights defenders. In particular, any gender-specific approach needs to include a comprehensive review of the different types of risks and violence facing women human rights defenders. The Mechanism should employ women staff members who are properly trained to deal with such risks. In addition, specific protection measures for women human rights defenders are required, such as women security guards and tools to address the effects of sexual violence. Concrete actions are also needed to help women human rights defenders overcome stigmatization and delegitimization.

84. The integration of a multicultural and collective approach to risk analysis relating to indigenous communities or human rights defenders should contribute to the adoption of protection measures that are relevant and effective in their settings. Rural or remote settings require different approaches from urban ones. For instance, panic buttons and satellite phones are not always tailored to the needs of rural human rights defenders. Policies in line with the Guiding Principles on Internal Displacement should be adopted to cater for the needs of displaced human rights defenders. Risk analyses covering family members and, in particular, children, should be offered to all human rights defenders. User-friendly manuals containing security assessment methodology, procedures and existing guidelines should be made available online to ensure improved access for human rights defenders.

85. The Special Rapporteur urges the Office of the Attorney General to draw on its participation in the work of the Mechanism to ensure that crimes against human rights defenders are duly investigated. This also applies to cases involving online attacks and smear campaigns run through social media networks, which require specialized investigation. The Federal Police should guarantee that an adequate number of properly trained police, including women officers, are available to provide protection on behalf of the Mechanism. The Mechanism should also cooperate with other security actors, such as the army and the navy, to enhance the security of the human rights defenders under its protection.

86. Cooperation and coordination with state-level authorities should be bolstered, in particular given that the majority of attacks against human rights defenders originate at the state level. These authorities should adopt a zero-tolerance approach towards attacks against human rights defenders. The National Conference of State Attorneys General should, in consultation with civil society, adopt specialized protocols for the prevention and investigation of violence against human rights defenders.

87. The two early warning systems set up jointly by the Mechanism and the authorities of the States of Veracruz and Chihuahua represent an interesting tool for addressing structural issues relating to the environment in which human rights defenders operate. Those early warning systems have yet to deliver results and require greater cooperation and coordination between the three levels of government in Mexico. The Special Rapporteur recommends evaluating the systems' effectiveness periodically, carrying out follow-up actions and expanding them to other states, depending on the situation on the ground.

88. Any future state-level protection mechanisms for human rights defenders should have adequate resources and proper guidelines and structures allowing for the participation of civil society. The Special Rapporteur acknowledged the establishment of a protection mechanism in Mexico City following a law adopted in 2015, which encompassed such good practices as provision of access to economic and social rights.

89. Efforts to improve the staffing situation within the Mechanism should be further strengthened. Staff should be hired based on selection criteria that ensure that they are aware of human rights issues and should be given suitable employment contracts. Managerial tools should be adopted regarding the timely implementation of protection measures and the evaluation of service delivery. The Mechanism should be allocated a budget that is sufficient to meet its needs and ensure financial sustainability.

V. National and local human rights institutions

90. National human rights institutions are key partners in promoting the right to defend human rights and, as human rights defenders, they sometimes face risks for carrying out their independent mandate.

91. Mexico has a complete system of human rights institutions, including the National Human Rights Commission and the 32 state-level human rights institutions. The Special Rapporteur recommends that the state-level institutions follow the example of the National Human Rights Commission by seeking to fully comply with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and by establishing specialized entities focusing on the right to defend human rights.

92. Human rights institutions should be more vocal in both condemning attacks against and supporting human rights defenders. They also need to work more closely with human rights defenders in order to provide increased support in its various forms. In line with international standards, human rights institutions should apply broad definitions of the terms "human rights defender" and "journalist" and work to ensure that the authorities and wider society are aware of the important role played by human rights defenders.

93. The National Human Rights Commission has increasingly used its constitutional mandate to challenge the constitutionality of laws and should be encouraged to continue along this path. State-level institutions should also review and challenge laws with the potential to restrict the recognition and exercise of human rights.

94. The Special Rapporteur recognizes the importance of the general recommendations issued by the National Human Rights Commission and calls for this practice to be replicated at the state level. He was surprised to observe the low number of recommendations, precautionary measures or statements issued in some states, despite the evidence indicating high numbers of serious violations against human rights defenders. He therefore urges state-level human rights institutions to be more active in this regard. He also calls on the Commission to put in place a follow-up mechanism for the implementation of its general and specific recommendations.

95. The Special Rapporteur acknowledges the risks faced by members and employees of the National Human Rights Commission and state-level institutions as a part of their human rights work. In that context, the Special Rapporteur expressed his outrage at the killing, in November 2017, of Silvestre de la Toba Camacho, an ombudsperson in the State of Baja California Sur, and called on the Mexican authorities to carry out a thorough investigation and to bring the perpetrators to justice.[29] National human rights institutions have observed that the indifference of the three levels of government favoured conditions that violated [the rights of] human rights defenders.

96. The Government of Mexico should consider the work of its federal and state-level human rights institutions as protected activity in defence of human rights, in line with the Declaration on Human Rights Defenders. The Special Rapporteur urges the Government of Mexico to set up protection schemes designed to allow human rights defenders to perform their mandated functions in a safe and independent manner.

[29] See http://ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22446&LangID=E.

VI. Role of non-State actors

97. The Special Rapporteur was informed of the negative impact that the actions of enterprises (in particular those operating in the mining, construction, infrastructure, energy, telecommunications, security, transport and media sectors) have on communities across Mexico and on the work of human rights defenders.

98. Public and private companies must respect human rights and internationally accepted principles relating to business and human rights, including the Guiding Principles on Business and Human Rights. Companies should publicly recognize and respect the positive role of human rights. They must refrain from actions that could, in any way, negatively affect the enjoyment of human rights. As observed by the Working Group on the issue of human rights and transnational corporations and other business enterprises, companies in Mexico should have incentives to clearly and publicly distance themselves from acts of violence and intimidation and to conduct their own human rights due diligence, lest they incur financial and reputational costs (see A/HRC/35/32/Add.2, para. 85).

99. Any company involved in a project or projects that might affect indigenous communities should promote prior and meaningful consultations with them; refrain from taking actions that can affect these consultations, including actions that can contribute to the division of communities; and offer all the relevant information on the projects concerned to the affected people in an accessible and culturally appropriate way.

100. Employees of security companies in different states, charged with guarding infrastructure projects and railroads, act against victims of human rights violations and their defenders, such as migrants' rights defenders and indigenous rights defenders. The Special Rapporteur understands that those attacks remain unpunished and that these companies are not facing sanctions due to the use of force.

101. Mexico is about to finalize its national programme on business and human rights. During the visit, the Special Rapporteur recommended that the programme should incorporate a strong component on the responsibility of international and Mexican enterprises to support human rights defenders and to prevent criminalization or other forms of targeting of human rights activities, including with regard to indigenous and community rights defenders. Human rights defenders should be involved in the design, implementation, monitoring and evaluation of the programme.

102. In July 2017, the Civil Society Focal Group on Business and Human Rights in Mexico announced, in a letter to the Working Group on the issues of human rights and transnational corporations and other business enterprises, the withdrawal of its support for the latest draft National Programme on Business and Human Rights. The concerns raised in the letter included the absence of "solid mechanisms for the protection of human rights defenders, journalists and whistle-blowers" and the fact that companies are not urged to publicly condemn attacks and intimidation against those actors.[30] The Special Rapporteur acknowledges the Government's efforts to develop the Programme through consultation with broader civil society. Stressing the significance of the recommendations made in the letter, he encourages the Government to engage with civil society organizations in order to address gaps in the final Programme and to gain strong recognition and support from all stakeholders in Mexico.

103. Defenders of the rights of lesbian, gay, bisexual, transgender and intersex persons and sexual and reproductive rights have reported that religious groups have, at times, undermined their efforts to ensure the wider recognition of these rights. In addition, through their actions and statements, religious groups have created a climate of harassment in which advocates of such rights are targeted. Reports also indicate that the secular nature of the State is not fully respected because of the close relationship between certain religious groups and political/economic actors. This situation allows such groups to exert undue influence over the authorities in order to promote the adoption of decisions, including legal amendments, which can adversely affect the enjoyment of human rights.

[30] See www.business-humanrights.org/en/letter-form-civil-society-organizations.

104. Due to the patriarchal structure of some religious groups, women human rights defenders working within them have to contend with very low visibility and obstacles, despite playing a central role in promoting human rights in various environments.

105. The Mexican authorities have recognized the challenge the country faces in the form of organized crime groups, who pose serious security challenges to human rights defenders. Sometimes human rights defenders and families searching for disappeared relatives come up against such groups and corrupt officials. Members of organized crime groups are sometimes hired by actors to attack human rights defenders who oppose their interests. Collusion between organized crime groups and the authorities is one of the most disturbing elements contributing to attacks against human rights defenders in Mexico. Despite the risks, a number of human rights defenders and journalists continue to denounce the infiltration of state institutions by organized crime groups, especially attorneys' offices and the police.

VII. Community of human rights defenders

106. Meeting with more than 800 human rights defenders from 24 states reinforced the Special Rapporteur's impression that Mexican civil society is diverse and vibrant. During those meetings, he stressed that human rights defenders also have a role to play in contributing to a safe and enabling environment. They are responsible for conducting their work professionally, in a peaceful and non-discriminatory manner, and with due respect for international human rights principles.

107. The Special Rapporteur reiterates that formal and informal networks that connect human rights defenders and supporters to each other are a key factor in protection (see A/HRC/31/55, para. 60). Such networks allow human rights defenders to share information, coordinate actions, express solidarity, pool resources and provide psychosocial support. Strong relationships allow rapid mobilization in times of crisis and mitigate the risks of threats and attacks.

108. However, a number of human rights defenders informed the Special Rapporteur that they remained isolated from broader networks due to the specific nature of their work or their remote location. The Mexican human rights movement should strengthen networks outside the capital and metropolitan cities and reach out to rural and isolated human rights defenders, who are often more exposed to risks. In order to remain inclusive, civil society organizations should regularly assess the extent to which they connect with and support marginalized, stigmatized and geographically isolated human rights defenders. Solidarity and a unified voice are key to the safety and empowerment of human rights defenders.

109. Furthermore, human rights networks were understandably concerned at the immediate threats and risks faced by their members. It is critical that sufficient attention be paid to the comprehensive review of their safety and security, including through root-cause analysis, risk assessment and stakeholder mapping.

110. It is also essential that human rights defenders continue to make full use of international and regional human rights mechanisms when reporting human rights violations and seeking protection and redress.

VIII. Conclusion and recommendations

111. **The Special Rapporteur's mandate was established, among other things, to support official efforts to improve the full recognition and protection of human rights defenders. It was in that spirit that he conducted his visit to Mexico and has presented the present report. The Special Rapporteur was dumbfounded by the extreme violence in Mexico, the climate of near-absolute impunity and the alleged corruption and infiltration of the prosecutorial and security forces by criminal elements. At the same time, he was positively surprised by the resilience of human rights defenders and their courage in seeking truth, justice and reparation.**

112. **There will be no noticeable improvement in the situation of human rights defenders as long as impunity remains persistent and rife. Meanwhile, success in the fight against impunity will depend on overcoming the challenges of corruption, organized crime and continued militarization of public security.**

113. **In December 2018, the international community will celebrate the twentieth anniversary of the Declaration on Human Rights Defenders. This could be an opportunity to halt and reverse the slide of Mexico into the spot of the most dangerous country in the world for human rights defenders. The Government of Mexico should show political will and bring all relevant actors together at a national summit dedicated to the protection and empowerment of human rights defenders. The protection of human rights defenders should be made a national priority.**

114. **In order to facilitate such a process, the Special Rapporteur puts forward a series of recommendations, which should primarily be considered by relevant actors at all three levels of government in Mexico. He has a number of recommendations for other actors.**

115. **The Special Rapporteur recommends that the Government of Mexico:**

(a) **Strengthen the rule of law in the country, especially through full implementation of writs of *amparo* and other judicial orders issued in connection to human rights defenders and their work;**

(b) **Publicly recognize, at the federal and state levels, the pivotal role played by human rights defenders and journalists in society and condemn human rights violations committed against them and attempts to discredit them;**

(c) **Ensure prompt and impartial investigations into threats and violence against human rights defenders, bring to justice those guilty of perpetrating or aiding and abetting in crimes and provide reparations to the survivors of those crimes;**

(d) **Through the Office of the Attorney General, consider creating, at the federal and state levels, specialized entities to investigate cases of violence against human rights defenders and to coordinate with other prosecutorial offices;**

(e) **Review the working methods, jurisdiction criteria and results of the office of the special prosecutor for offences committed against freedom of expression, in order to strengthen the Office's impact;**

(f) **Formulate investigation protocols into online crimes committed against human rights defenders and ensure mechanisms are in place to prevent illegal online surveillance;**

(g) **Fully implement international resolutions, recommendations and precautionary or urgent measures issued by United Nations human rights mechanisms, the Inter-American Commission on Human Rights or the Inter-American Court of Human Rights relating to human rights defenders;**

(h) **Ensure that civil society actors are meaningfully consulted during legislative debates affecting human rights and that their views are given due consideration;**

(i) **Avoid adopting legislation and revise laws that restrict the rights to freedom of association, expression and peaceful assembly, including those establishing ambiguous definitions of related crimes such as "disturbance of public order";**

(j) **Develop, adopt and evaluate comprehensive public policies aimed at preventing human rights violations against women human rights defenders, as well as measures that both address the structural causes contributing to the risks they face and are adapted to the needs of different groups, such as indigenous peoples and women human rights defenders;**

(k) **Adopt public policies for the protection of internally displaced human rights defenders that cater for their socioeconomic needs and operate in coordination with victim-support schemes;**

(l) Guarantee sufficient budgetary and human resources for the functioning of the National Protection Mechanism for Human Rights Defenders and Journalists at the federal and state levels, including for protection measures on the ground and for the specific protection needs of women human rights defenders;

(m) Engage in meaningful consultations regarding projects with affected indigenous communities and guarantee that their free, prior and informed consent is sought and obtained in line with international norms and standards;

(n) Ensure that foreign and Mexican investors and enterprises meet their human rights responsibilities and sanction companies associated with human rights violations against human rights defenders, both at home and abroad;

(o) Integrate gender and community perspectives into all policies and ensure the participation of women and communities in decision-making processes related to the promotion, protection and empowerment of human right defenders, including in the context of the National Protection Mechanism for Human Rights Defenders and Journalists;

(p) Develop a legislative framework concerning the protection of whistle-blowers;

(q) Take advantage of the twentieth anniversary of the Declaration on Human Rights Defenders in 2018 to launch a public campaign on human rights defenders, including a multi-stakeholder summit to establish the protection and promotion of human rights defenders as a national priority.

116. The Special Rapporteur recommends that the National Human Rights Commission and the state-level human rights institutions:

(a) Include, within their programmes of work, specific activities on the protection and promotion of human rights defenders;

(b) Continue or begin compiling and analysing statistics on the number of complaints received, cases monitored and recommendations adopted on the safety and security of human rights defenders;

(c) Establish a focal point for human rights defenders with decision-making powers in each institution;

(d) At the state level, adopt and contribute to preventive and protection measures for human rights defenders, as well as develop means for the public recognition of human rights defenders.

117. The Special Rapporteur recommends that United Nations organizations and agencies:

(a) Support and reach out to human rights defenders, including those who are particularly at risk in Mexico;

(b) Formulate and implement strategies and action plans to strengthen the participation and protection of human rights defenders and to prevent violations against them, including within the framework of the Sustainable Development Goals and the Human Rights Up Front initiative;

(c) Develop and implement mechanisms for follow-up to the recommendations and opinions of the United Nations and regional human rights mechanisms on the situation of human rights defenders in Mexico;

(d) Monitor, document and respond to cases of alleged acts of reprisal against human rights defenders for cooperating with United Nations agencies and human rights mechanisms;

(e) Provide technical and advisory services to the Government of Mexico with regard to the implementation of recommendations and opinions issued concerning the situation of human rights defenders.

118. **The Special Rapporteur recommends that higher education institutions include in their programmes and activities the promotion of human rights, engage in actions to address the serious human rights challenges faced by Mexico and refrain from hindering the exercise of fundamental human rights in the higher education sector.**

119. **The Special Rapporteur recommends that enterprises and other non-State actors:**

(a) **Respect ethical and legal obligations, including human rights due diligence, the Guiding Principles on Business and Human Rights and the Voluntary Principles on Security and Human Rights;**

(b) **Refrain from carrying out verbal stigmatization or legal intimidation of or physical attacks against human rights defenders, directly or through public or private security companies;**

(c) **Conduct human rights impact assessments for all large-scale projects, ensuring the meaningful participation of and consultation with affected communities and human rights defenders;**

(d) **Disclose information related to planned and ongoing large-scale development projects in a timely and accessible manner to affected communities and environmental human rights defenders, as well as establishing complaint mechanisms;**

(e) **Ensure that subcontractors respect the rights of indigenous peoples and affected communities and establish accountability mechanisms to address their grievances.**

120. **The Special Rapporteur recommends that religious groups refrain from stigmatizing human rights defenders, and recognize the important role of faith-based human rights defenders, especially women defenders.**

121. **The Special Rapporteur recommends that civil society:**

(a) **Ensure that self-protection measures are strengthened and made accessible to specific human rights defenders at risk and in remote locations;**

(b) **Address the issue of discrimination against women and lesbian, gay, bisexual, transgender and intersex rights defenders within broader human rights movements;**

(c) **Take full advantage of United Nations and regional mechanisms for the promotion and protection of human rights defenders.**

122. **The Special Rapporteur recommends that the international community:**

(a) **Facilitate and host events to enhance the visibility and recognition of human rights defenders at risk;**

(b) **Support and provide temporary shelter to human rights defenders at risk and their families;**

(c) **Raise awareness of the positive role of human rights defenders and share good practices that have been effective concerning their protection;**

(d) **Regularly meet with and support human rights defenders, especially those living in remote areas;**

(e) **Publicly scrutinize and condemn violations of the rights of human rights defenders;**

(f) **Provide technical assistance to enhance the protection and psychosocial welfare of human rights defenders.**